IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

CRL.A.No. 560 of 2001()

CC.228/1998 of ADDL. CHIEF JUDICIAL MAGISTRATE (E.O.) ERNAKULAM DT.17.11.2000.
.....

APPELLANT: COMPLAINANT

CORAZ TRAVEL & TRADE LINKAS PVT.LTD.,
MES COMPLEX , JUDGES AVENUE, KALOOR,
KOCHI 17, REP.BY ITS MANAGER,
SANTHOSH V.R.

BY ADV. SRI.P.SANJAY

RESPONDENTS: ACCUSED
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1. P.R.PRAKASH, PARAMBIKADAN HOUSE,
V.R.PURAM, CHALAKUDY POST.

2. STATE OF KERALA REP.BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.560 of 2001

Dated , 18th July, 2007..

JUDGMENT

Appellant is the complainant in C.C.No.228/98, the proceedings initiated under section 138 of the Negotiable Instruments Act in which the accused was acquitted under section 256(1) Cr.P.C. It is submitted that the complainant was laid up and could not appear on the particular day and that the counsel had applied.

2. In the circumstances, the appeal is allowed. The order of the court below is set aside. The court below is directed to permit the complainant to further pursue the matter and dispose of the case on merits. The appellant would take out fresh summons to the accused.

The appellant shall appear before the court below on 8-8-2007.

(K.R.UDAYABHANU)
JUDGE.

Kvm/-

K.R.UDAYABHANU, J.

CRL.A.NO. 560 OF 2001

JUDGMENT

18-7-2007.